

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Complaint of )

WINSTON HOSHINO, HOWARD KAWABATA, )  
CHARLES WEBSTER, ET AL., )

Complainants, )

vs. )

HAWAII ELECTRIC LIGHT COMPANY, INC., )

Respondent. )  
\_\_\_\_\_ )

DOCKET NO. 2007-0018

PREHEARING ORDER NO. 23555

Filed July 20, 2007

At 9 o'clock A.M.

Karen Higashi  
Chief Clerk of the Commission

ATTEST: A True Copy  
KAREN HIGASHI  
Chief Clerk, Public Utilities  
Commission, State of Hawaii.

Karen Higashi

DIV. OF CONSUMER ADVOCACY  
DEPT. OF COMMERCE AND  
CONSUMER AFFAIRS  
STATE OF HAWAII

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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Complaint of	)	
	)	
WINSTON HOSHINO, HOWARD KAWABATA,	)	Docket No. 2007-0018
CHARLES WEBSTER, ET AL.,	)	
	)	Order No. 23555
Complainants,	)	
	)	
vs.	)	
	)	
HAWAII ELECTRIC LIGHT COMPANY, INC.,	)	
	)	
Respondent.	)	
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PREHEARING ORDER

By this Prehearing Order, the commission sets the issues, schedule of proceedings, and procedures that shall control the course of this docket.

I.

Background

On January 18, 2007, WINSTON HOSHINO, HOWARD KAWABATA, CHARLES WEBSTER, DANNY KAYANO, LLOYD NISHIDA, COLETTE SHIMABUKURO (TAKEUCHI), and PATRICK ARBLES (collectively, "Complainants") filed a formal complaint against HAWAII ELECTRIC LIGHT COMPANY, INC. ("HELCO" or "Respondent"). Complainants served two copies of the complaint on the DIVISION OF CONSUMER ADVOCACY,

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS ("Consumer Advocate")<sup>1</sup>  
(Complainants, HELCO, and the Consumer Advocate are collectively referred to as the "Parties"). The Consumer Advocate has not filed a statement of position in this matter.

By Order No. 23297, filed on March 31, 2007, the commission ordered HELCO to file an answer to the formal complaint within twenty (20) days after the date of service of the order. On April 19, 2007, the commission granted HELCO's April 3, 2007 request for extension of time, from April 4, 2007, until April 25, 2007, to file its answer to the formal complaint. On April 25, 2007, HELCO timely filed its answer to the complaint.

## II.

### Issues, Schedule of Proceedings, Procedures

#### A.

#### Statement of Issues

1. Whether HELCO properly denied Complainants' request for reimbursement for damages and services incurred by an allegedly faulty outdated transformer.

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<sup>1</sup>The Consumer Advocate is an ex officio party to this proceeding. See Hawaii Revised Statutes ("HRS") § 269-51 and Hawaii Administrative Rules ("HAR") § 6-61-62.

2. Whether HELCO engaged in discriminatory treatment by not updating the transformer serving Complainants' end of the subdivision as compared to other transformers on the same street.

B.

Schedule of Proceedings

The Parties will adhere to the following schedule:

- |     |  |   |
|-----|--|---|
| 1.  | Deadline to submit Information requests to any of the Parties                          | August 1, 2007  |
| 2.  | Deadline to respond to Information Requests  | August 15, 2007   |
| 3.  | Opening Briefs   | August 29, 2007   |
| 4.  | Reply Briefs   | September 5, 2007   |
| 5.  | Witness Lists  | September 10, 2007  |
| 6.  | Evidentiary hearing (to be conducted by a hearings officer)                            | September 12, 2007  |
| 7.  | Findings of fact, conclusions of law and recommended decision ("Recommended Decision") | To be issued by hearings officer                                    |
| 8.  | Exceptions to the hearings officer's Recommended Decision ("Exceptions") (optional)    | Due 10 working days from the filed date of the Recommended Decision |
| 9.  | Briefs opposing the Exceptions (optional)  | Due 10 working days from the filed date of the Exceptions           |
| 10. | Final decision and order   | To be issued by the commission pending any post-hearing submissions |

C.

Requests for Information

A party to this proceeding may submit information requests to another party within the time schedule specified in this Prehearing Order. After the scheduled date for submitting information requests has passed, no additional requests for information shall be allowed except upon stipulation by the parties or by approval of the commission upon good cause shown.

In responding to an information request, a party will not be required to provide data which is already on file with the commission or otherwise identified as a matter of public record. A party will not be required to recalculate, trend, reclassify or otherwise rework data contained in its files, unless otherwise ordered by the commission.

A party may object to responding to an information request that it deems irrelevant, immaterial, unduly burdensome, onerous, or repetitious, or which calls for the production of information claimed to be privileged or subject to protection (confidential information). If a party claims that information requested is confidential information, and withholds production of all or a portion of such confidential information, the party will: (1) provide information reasonably sufficient to identify the confidential information withheld from the response, without disclosing privileged or protected information; (2) state the basis for withholding the confidential information (including,

but not limited to, the specific privilege applicable or protection claimed for the confidential information and the specific harm that would befall the party if the information were disclosed; and (3) state whether the party is willing to provide or is providing the confidential information pursuant to a protective order.

Parties seeking production of documents notwithstanding a party's claim of confidentiality may file a motion to compel production with the commission.

Responses to the information requests of a party may be introduced into evidence subject to objections as to relevancy or materiality of the proffered material or whether the material or any portion thereof is proprietary or privileged.

The parties are encouraged to resolve informally any question or concern as to the scope or meaning of an information request or with respect to the availability of information.

Responses to information requests which would require the reproduction of voluminous documents or materials may be made available for reasonable inspection and copying at a designated location. In the event such information is available on computer diskette or other readily usable electronic medium, the party responding to the information request shall make the diskette or such electronic medium available to all parties and the commission.

The responses of each party will adhere to a uniform system of numbering. For example, the first information request submitted by the Complainants shall be referred to and designated as "Complainants-IR-1," and a response to this information request shall be referred to and designated as "Response to Complainants-IR-1."

D.

Order of Procedure

The examination of witnesses will, unless otherwise directed by the hearings officer, be limited to the manner and order as follows:

1. Complainants' Witnesses\*:

- (a) Direct examination/testimony by Complainants or Complainants' counsel;
- (b) Cross-examination by Respondent or Respondent's counsel (and by the Consumer Advocate or the Consumer Advocate's counsel);
- (c) Redirect/rebuttal by Complainants or Complainants' counsel.

\*For purposes of clarity and expediency, at or before the commencement of the hearing, Complainants will designate a representative who will represent Complainants. However, each Complainant may be called upon as a witness.

2. Respondent's Witnesses:

- (a) Direct examination by Respondent or Respondent's counsel;
- (b) Cross-examination by Complainants or Complainants' counsel (and by the Consumer Advocate or the Consumer Advocate's counsel);
- (c) Redirect examination by Respondent or Respondent's counsel.

Cross-examination of any witness will be limited to one attorney or representative for a party. The parties will avoid duplicate or repetitious cross-examination.

Recross-examination of a witness will be limited to the material covered in redirect examination unless otherwise permitted by the hearings officer.

E.

Admission of Fact and Matters of Public Record

Documents identified as matters of public record may be offered as evidence to avoid unnecessary proof and to facilitate these proceedings. The following documents may be identified as matters of a public record: (1) public financial reports and previously submitted written testimonies and exhibits filed with the commission; (2) published decisions issued by state and federal agencies; (3) published scientific or economic statistical data, material, and textbooks, and technical or industrial journals; and (4) specified parts of the official record of previous proceedings of the commission.



The matter intended to be offered as evidence must be clearly identified by reference to the date and place of publication and the file or docket number. The identified document must be available for inspection by the parties. Parties will have the right to explain, qualify, or conduct cross-examination with respect to the identified material. Pursuant to HAR § 6-61-44, the hearings officer will rule on whether specified and identified material can be admitted into evidence when a party proffers such material for admission as evidence. The hearings officer's rulings may be reviewed by the commission in determining matters on their merit.

From time to time, the parties may enter into stipulations that such documents, or any portions of such documents, may be introduced into evidence in this case.

F.

Copies of Documents

1. Exhibits:

Commission	Original + 8 copies
Consumer Advocate	3 copies
Complainants	1 copy
Respondent	1 copy

2. Information Requests and Responses:

Commission	Original + 8 copies
Consumer Advocate	3 copies
Complainants	1 copy
Respondent	1 copy

All information requests and responses, notices of motions, motions, memoranda, other requests for commission action, briefs, and the like, shall comply with the formatting requirements prescribed pursuant to HAR § 6-61-16 and shall be filed at the office of the commission in Honolulu within the time limit prescribed pursuant to HAR § 6-61-15. Copies of all filings should be sent to the other parties by hand delivery or United States mail (first class, postage prepaid).

G.

Communications

HAR § 6-61-29 concerning ex parte communications is applicable to any communications between a party and the commission. However, the parties may communicate with commission counsel through their own counsel or designated party representative only as to matters of process and procedure.

Communications between the parties should either be through counsel or through designated party representatives. All documents filed in this proceeding shall be served on the opposing party and counsel, as provided in Section F, "Copies of Documents," above.

H.

General

This Prehearing Order shall control the course of this proceeding, unless modified by the parties in writing and approved by the commission consistent with HAR § 6-61-23, to the extent applicable, or upon the commission's own motion.

III.

Orders

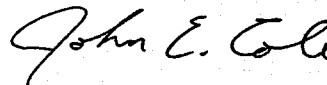
THE COMMISSION ORDERS:

This Prehearing Order is adopted herein, and shall control the course of this proceeding, unless modified by the parties in writing and approved by the commission, or upon the commission's own motion.

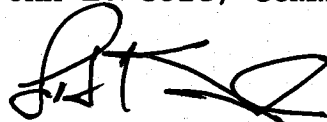
DONE at Honolulu, Hawaii JUL 20 2007.

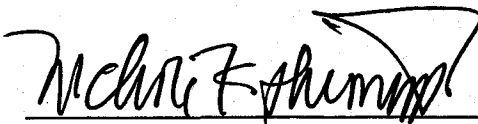
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By:   
John E. Cole, Commissioner

APPROVED AS TO FORM:

By:   
Leslie H. Kondo, Commissioner

  
Nichole K. Shimamoto  
Commission Counsel

2007-0018.eh

CERTIFICATE OF SERVICE

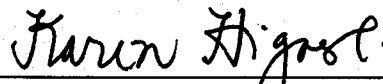
I hereby certify that I have this date served a copy of the foregoing Prehearing Order No. 23555 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

CATHERINE P. AWAKUNI  
EXECUTIVE DIRECTOR  
DIVISION OF CONSUMER ADVOCACY  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
P. O. Box 541  
Honolulu, HI 96809

WARREN H.W. LEE  
PRESIDENT  
HAWAII ELECTRIC LIGHT COMPANY, INC.  
P.O. Box 1027  
Hilo, HI 96721-1027

WINSTON HOSHINO  
HOWARD KAWABATA  
CHARLES WEBSTER  
DANNY KAYANO  
LLOYD NISHIDA  
COLETTE SHIMABUKURO (TAKEUCHI)  
PATRICK ARBLES  
748 Kaiua Place  
Hilo, HI 96720

(1 copy of Prehearing Order  
each served separately)

  
\_\_\_\_\_  
Karen Higashi

DATED: JUL 20 2007